

Commonwealth of Massachusetts
NORFOLK SUPERIOR COURT
Case Summary
Criminal Docket

Commonwealth v [REDACTED]

Details for Docket: [REDACTED]

**Case
Information**

Docket Number:	[REDACTED]	Caption:	Commonwealth v [REDACTED]
Entry Date:	11/20/2009	Case Status:	1 - Criminal 1
Status Date:	12/18/2009	Session:	Active
Lead Case:	NA	Deadline Status:	Active since
Trial Deadline:	12/28/2009	Jury Trial:	NO

Parties Involved

2 Parties Involved in Docket: [REDACTED]

**Party
Involved:**

**Last
Name:**
Address:
City:
Zip Code:
Telephone:

Role: Defendant

**First
Name:**
Address:
State:
Zip Ext:

**Party
Involved:**

Last Commonwealth

Role: Plaintiff

First

Name:
Address:
City:
Zip Code:
Telephone:

Name:
Address:
State:
Zip Ext:

Attorneys Involved

4 Attorneys Involved for Docket: [REDACTED]

Attorney Involved:		Firm Name:	NORF01
Last Name:	Payton	First Name:	Debi
Address:	45 Shawmut Road	Address:	PO Box 380
City:	Canton	State:	MA
Zip Code:	02021	Zip Ext:	
Telephone:	781-830-4800	Tel Ext:	385
Fascimile:	781-830-4801	Representing:	Commonwealth, (Plaintiff)
Attorney Involved:		Firm Name:	MA02
Last Name:	Badway	First Name:	Eva M
Address:	1 Ashburton Place	Address:	Appellate Criminal Division
City:	Boston	State:	MA
Zip Code:	02108	Zip Ext:	
Telephone:	617-727-2200	Tel Ext:	2824
Fascimile:	617-727-5755	Representing:	Commonwealth, (Plaintiff)

Attorney Involved:		Firm Name:	
Last Name:	Manieri	First Name:	Anthony J
Address:	71 Lauriston Street	Address:	
City:	Providence, R.I.	State:	RI
Zip Code:	02906	Zip Ext:	
Telephone:	401-270-9665	Tel Ext:	
Fascimile:	401-521-7160	Representing:	[REDACTED] (Defendant)

Attorney Involved:		Firm Name:	
Last Name:	Santana	First Name:	Oriosto M
Address:	550 Cochituate Road	Address:	East Wing Suite 425
City:	Framingham	State:	MA
Zip Code:	01701	Zip Ext:	
Telephone:	617-519-0604	Tel Ext:	
Fascimile:	508-655-9301	Representing:	[REDACTED] (Defendant)

Calendar Events

25 Calendar Events for Docket: [REDACTED]

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	12/18/2009	09:00	Arraignment	1	Event held as scheduled
2	01/25/2010	09:00	Conference: Pre-Trial	1	Event held as scheduled
3	02/10/2010	09:00	Hearing: Pre-Trial	1	Event not held--joint request

4	03/09/2010	09:00	Hearing: Pre-Trial	1	Event not held--joint request
5	04/20/2010	14:00	Hearing: Motion	1	Event held as scheduled
6	06/16/2010	09:00	Hearing: Motion	1	Event not held--req of Defendant
7	07/30/2010	09:00	Hearing: Evidentiary-suppression	1	Event not reached by Court
8	09/28/2010	09:00	Hearing: Motion to Suppress Evidence	1	Event not reached by Court
9	10/22/2010	09:00	Hearing: Motion to Suppress Evidence	1	Event rescheduled by court prior to date
10	12/17/2010	09:00	Hearing: Evidentiary-suppression	1	Event held--(ACTIVE) under advisement
11	01/25/2011	09:00	Status: Review by Clerk	1	Event held as scheduled
12	03/21/2011	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
13	03/29/2011	14:00	Hearing: Motion	1	Event held as scheduled
14	04/11/2011	09:00	TRIAL: by jury	1	Event not held--req of Commonwealth
15	04/12/2011	09:00	TRIAL: by jury	1	Event not held--req of Defendant
16	10/17/2011	14:00	Conference: Trial Assignment	1	Event held as scheduled
17	11/29/2011	14:00	Conference: Trial Assignment	1	Event held as scheduled
18	02/27/2012	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
19	03/07/2012	09:00	TRIAL: by jury	1	Event rescheduled by court prior to date
20	05/02/2012	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
					Event rescheduled by

21	05/09/2012	14:00	Hearing: Motion	1	court prior to date
22	05/11/2012	09:00	Hearing: Motion	1	Event held as scheduled
23	05/15/2012	09:00	TRIAL: by jury	1	Event rescheduled by court prior to date
24	06/22/2012	14:00	Status: Review by Session	1	
25	07/09/2012	09:00	TRIAL: by jury	1	

Full Docket Entries

168 Docket Entries for Docket: [REDACTED]

Entry Date:	Paper No:	Docket Entry:
11/20/2009	1	Indictment returned
12/18/2009		Deft arraigned before Court - Track A - Plea Not Guilty - Bail:
12/18/2009		\$2,500.00 cash (same as D.C.) Atty. Fee Private Anthony Manieri -
12/18/2009		Continued to 1/25/10 for PTC - Spanish Interpreter - PTH 2/10/10 -
12/18/2009		Spanish Interpreter - (Sanders, J) B Roche a.c., D Chapin ct. rpt.
12/18/2009		Assigned to Track "A", see scheduling order
12/18/2009	2	12/18/09: Appearance of Deft's Atty: Anthony J Manieri
12/18/2009		RE Offense 1:Plea of not guilty
12/18/2009		RE Offense 2:Plea of not guilty
12/18/2009		RE Offense 3:Plea of not guilty
12/18/2009		RE Offense 4:Plea of not guilty
12/28/2009		Tracking deadlines Active since return date
12/28/2009	3	12/18/09: Commonwealth files Statement Of The Case
12/28/2009	4	12/18/09: Commonwealth files Notice Of Discovery I
12/28/2009	5	12/18/09: Commonwealth files Request For Discovery

12/28/2009 6 12/18/09: Commonwealth files Notice Of Discovery II

12/28/2009 7 Request for Interpreter by [REDACTED] on 01/25/10

12/28/2009 8 Request for Spanish Interpreter by [REDACTED] on 02/10/10

01/21/2010 9 \$2,500.00 Cash Bail Received - From [REDACTED]
[REDACTED] - Surety

01/25/2010 10 Interpreter present: Merce Lopez on 1/25/2010 Spanish

01/29/2010 11 1/25/10: Pre-trial conference report filed

01/29/2010 12 1/25/10: Continued 3/9/10 PTH agreed. Spanish
Interpreter. (Fishman,

01/29/2010 13 J) J Uggioni a.c., D Keefer ct. rpt.

01/29/2010 14 Request for Spanish Interpreter by [REDACTED] on
03/09/10.

03/12/2010 15 3/9/10 - Continued to 4/20/10 - Mc Carthy - Dell
Motions to Dismiss

03/12/2010 16 agreed @ 2PM - Spanish Interpreter Moitons filed by
4/2/10 (Fishman.

03/12/2010 17 J) J. Uggioni a.c D.Chapin ct rpt

03/12/2010 18 Request for Spanish Interpreter by [REDACTED] for
4/20/10

03/12/2010 19 Deft files Motion for the Production of Exculpatory
Evidence and

03/12/2010 20 Certificate of Service.

03/12/2010 21 MOTION by Deft: to Discover Surveillance Information
and Certificate

03/12/2010 22 of Service.

03/12/2010 23 Commonwealth files Prospective Witness List.

03/12/2010 24 Commonwealth files Notice of Discovery III.

03/12/2010 25 Commonwealth files Notice of Discovery IV.

03/12/2010 26 Commonwealth files Notice of Discovery V.

04/06/2010 27 4/4/10: MOTION by Deft: To Dismiss with certificate of
service and

04/06/2010 28 memorandum of law

04/06/2010 29 4/4/10: MOTION by Deft: To Dismiss G.L. c. 94C s 32J
Count Of

04/06/2010	21	Indictment with certificate of service.
04/06/2010	22	4/4/10: MOTION by Deft: To Dismiss with certificate of service
04/22/2010	23	Commonwealth files Memorandum in Opposition to the Defendant's Motion
04/22/2010	23	to Dismiss (McCarthy) I
04/22/2010	24	Commonwealth files Memorandum in Opposition to the Defendant's Motion
04/22/2010	24	to Dismiss (McCarthy) 94C s32J
04/22/2010	25	ORDERED: Memorandum Of Decision And Order On The Defendants' Motions
04/22/2010	25	To Dismiss (Paul A. Chernoff, Associate Justice) c/s to ADA & Atty.
06/08/2010	26	MOTION by Deft: to Suppress, Certificate of Service and Affidavit of [REDACTED]
06/08/2010	26	[REDACTED]
06/17/2010		6/15/10 - Case advanced; continued to 7/30/10 - 9AM - M/S - Spanish
06/17/2010		Interpreter. (Chernoff,J.) B G Roche a.c G Grayson ct rpt
06/17/2010	27	Request for Spanish Interpreter by [REDACTED] for 7/30/10
08/11/2010		8/11/10: Continued 9/28/10 M/S 9 AM Spanish Intrepreter. (Sanders, J)
08/11/2010		B Roche a.c., D Chapin ct. rpt.
08/11/2010	28	Request for Spanish Interpreter by [REDACTED] on 9/28/10.
08/27/2010		Re: Motion #41.0: Commonwealth to respond within 30 days
08/27/2010		(Gershengorn, J)
09/28/2010		Continued 10/22/10 9AM M/S (2 hours) Spanish Interpreter (Sanders, J)
09/28/2010		B Roche a.c., D Chapin ct. rpt.
10/01/2010	29	Request for Spanish Interpreter by [REDACTED] on 10/22/10
		Commonwealth files opposition to defendants' motion

12/17/2010 to suppress

12/22/2010 12/17/10 - M/S heard, taken U/A. Defts memo filed by 1/14/11, Xomm.

12/22/2010 response by 1/21/11. - Continued to 3/21/11 9AM agreed.

12/22/2010 (Gershengorn,J.) J P Hurley III a.c C. Johnson ct rpt - Spanish

12/22/2010 Interpreter for 3/21/11 and 4/11/11

12/22/2010 30 Request for Interpreter by [REDACTED] for 3/21/11

12/22/2010 31 Request for Spanish Interpreter by [REDACTED] for 4/11/11

01/18/2011 32 MOTION by Deft: [REDACTED] Memorandum of Law in Support of

01/18/2011 32 Motion to Suppress Evidence Seized from his person at time of Arrest,

01/18/2011 32 Certificate of Service w/attachments

01/25/2011 33 12/17/10: Commonwealth files Opposition To Defendants' Motion To

01/25/2011 33 Suppress

01/25/2011 12/20/11: Brought forward - Trial continued from 4/11/11 to 4/12/11

01/25/2011 req. Comm. by agreement. Change Spanish Interpreter from 4/11 to

01/25/2011 4/12/11 9AM. (Fishman, J) JP Hurley III a.c.

01/25/2011 34 Request for Spanish Interpreter by [REDACTED] on 4/11/11 CANCELLED

01/25/2011 35 Request for Spanish Interpreter by [REDACTED] on 4/12/11

03/02/2011 MOTION (P#26) Denied - See opinion on co-defendant [REDACTED] (W.

03/02/2011 Gershengorn, Associate Justice). Copies mailed ADA & Atty.

03/04/2011 36 3/2/11 - FINDINGS of FACT RULINGS of LAW, AND ORDER ON DEFENDANT'S

03/04/2011 36 MOTION TO SUPPRESS - ORDER - For the above-mentioned reasons, [REDACTED]

03/04/2011 36 [REDACTED] Motion to Suppress is DENIED (Wendie I. Gershengorn,
03/04/2011 36 Associate Justice) c/s ADA & Atty.
03/22/2011 37 3/21/11 - Deft files Pretrial Memorandum and Certificate of Service.
03/22/2011 38 3/21/11 - MOTION by Deft: For relief From Prejudicial Joiner,
03/22/2011 38 Certificate of Service and Affidavit.
03/22/2011 38 3/21/11 - Continued to 3/29/11 - 2PM hearing, Deft's Motion to Sever.
03/22/2011 -- Any further filings by 3/25/11 - Spanish Interpreter needed.
03/22/2011 (Fishman,J) J P Hurley III a.c D. Chapin ct rpt
03/22/2011 39 Request for SPANISH Interpreter by [REDACTED] FOR 3/29/11.
03/25/2011 40 MOTION by Deft: in Limine to Admit Extra-Judicial Statements,
03/25/2011 40 Certificate of Service, Memorandum of Law & Certificate of Service
03/25/2011 40 c/s Judge Gershengorn
03/25/2011 41 MOTION by Deft: for Reconsideration and Incorporated Memorandum of
03/25/2011 41 Law, Certificate of Service w/exhibits attached c/s Judge Gershengorn
03/29/2011 Summons issued to Cherie A. Kelley
03/30/2011 3/21/11 - Re: paper #38 - 3/29/11 - Withdrawn (Fishman, J) J.
03/30/2011 Uguccioni, a.c.
04/07/2011 42 Request for Spanish Interpreter by [REDACTED] on 4/12/11
04/07/2011 42 CANCELLED*
04/08/2011 43 3/28/11: To Join In Co-Defendant [REDACTED] Motion To Sever
04/08/2011 3/31/11: MOTION (P#43.0) Allowed after hearing. Motion to sever also allowed. See Memorandum and Order of this date.

04/08/2011 (Kenneth J. Fishman,
04/08/2011 Associate Justice). Copies mailed 4/8/2011
04/08/2011 44 3/31/11: MEMORANDUM & ORDER: On Defendants'
Motion To Sever (Kenneth
04/08/2011 44 J. Fishman, Associate Justice) c/s 4/8/11
04/08/2011 3/31/11: MOTION (P#40.0) After hearing, Allowed
under Mass. G Evid.
04/08/2011 s804(6)(b) (Kenneth J. Fishman, Regional
Administrative Justice).
04/08/2011 Copies mailed 4/8/2011
05/04/2011 4/27/11 - re: paper #41 - Commonwealth to respond
within 30 days
05/04/2011 (Gershengorn, J c/s ADA & Atty.
07/20/2011 45 Appearance of Deft's Atty: Oriosto M Santana
07/26/2011 46 Motion to Withdraw
09/21/2011 47 Commonwealth files Opposition To Defendant's Motion
For
09/21/2011 47 Reconsideration
09/21/2011 9/20/11: Case scheduled for Status and TA 10/17/11
2PM. Spanish
09/21/2011 Interpreter needed. (McGuire, J) JP Hurley III a.c.
09/21/2011 48 Request for Spanish Interpreter by [REDACTED] on
10/17/11
09/24/2011 49 MEMORANDUM Of Decision And ORDER: On
Defendant's Motion For
09/24/2011 49 Reconsideration Of Ruling On Motion To Suppress
(Thomas F. McGuire,
09/24/2011 49 Associate Justice) copies mailed to ADA & Atty.
10/14/2011
10/18/2011 Continued 11/29/11 trial assignment. Spanish
interpreter to be
ordered (Fishman, J) J. McDermott, a.c, D. Chapin, ct.
rpt.
10/18/2011 50 Request for Interpreter by [REDACTED] for 11/29/11
11/29/2011 Continued 2/27/12 FPTC; 3/7/12 Trial - Spanish

interpreter to be ordered for both dates (Fishman, J) J. McDermott, a.c., D. Chapin,
11/29/2011
11/29/2011 ct. rpt.
11/29/2011 51 Request for Interpreter by [REDACTED] for 2/27/12
11/29/2011 52 Request for Interpreter by [REDACTED] for 3/7/12
02/27/2012 53 Commonwealth files Notice of Discovery VI
02/27/2012 Continued 5/2/12 FPTC; 5 15/12 trial agreed. Spanish Interpreter to
02/27/2012 be ordered for both dates. Out of court compliance
3/16/12 (Fishman,
02/27/2012 J) J. McDermott, a.c., D. Keefer, ct. rpt.
03/12/2012 54 MOTION by Commonwealth: for Reconsideration of
Order for Commonwealth
03/12/2012 54 to Produce Department of Public Health Reports &
Certificate of
03/12/2012 54 Service
03/12/2012 55 Commonwealth files Notice of Discovery VII
03/13/2012 2/27/12 - Spanish Interpreter present: Rosen, Norma
05/02/2012 56 ORDER (Kenneth J. Fishman, Regional Administrative
Justice) c/s
05/02/2012 56 Executive Office of Health and Human Services (Dept.
of Public Health)
05/02/2012 Continued 5/9/12 Motion Spanish Interpreter to be
ordered. (Fishman,
05/02/2012 J) J McDermott a.c., D Chapin ct. rpt.
05/02/2012 57 Commonwealth files Updated Potential Witness List &
Notice Of Intent
05/02/2012 57 To Call Certain Witnesses As Experts Witnesses
05/03/2012 58 Request for Spanish Interpreter by [REDACTED] on
5/9/12
05/09/2012 At request of Defendant, Continued 6/22/12 Status;
7/9/12 Trial.
05/09/2012 Spanish Interpreter to be ordered for both dates.
(Fishman, J) J

05/09/2012 McDermott a.c., D Chapin ct. rpt.

05/11/2012 Interpreter present: Ames, Mariella on 5/11/2012

05/11/2012 Appearance of Commonwealth's Atty: Eva M Badway & Certificate of

05/11/2012 Service

05/11/2012 59 Commonwealth files The Department of Public Health's Response to this

05/11/2012 59 Court's Order Dated May 2, 2012 and Opposition to the Defendant's

05/11/2012 59 Motion for Rule 17 Discovery w/attachments

05/11/2012 59 Commonwealth files - Department of Public Health's Motion for court

05/11/2012 59 Order to Restrict Discovery of Investigative Report Related to A.D.

05/14/2012 60 Request for Spanish Interpreter by [REDACTED] on 6/22/12

05/14/2012 61 Request for Spanish Interpreter by [REDACTED] on 7/9/12.

05/24/2012 After hearing, and upon review, including an incamera review of a

05/24/2012 single document responsive to this court's order of 5/2/12, it is

05/24/2012 hereby ORDERED that the 5/2/12 is withdrawn. The defendant has not

05/24/2012 made an adequate showing for the production of the 2/29/12

05/24/2012 investigation report of the DPH, which report (and a redacted version

05/24/2012 thereof) is hereby IMPOUNDED by this Court. The report is neither

05/24/2012 relevant or evidentiary to this case given that it refers to conduct

05/24/2012 covering 18 months after the testing in this case by a chemist who

05/24/2012 will not be called to testify by the Commonwealth. (Kenneth J.)

05/24/2012

Fishman, Regional Associate Justice c/s ADA & Atty.
(IMPOUNDED)

Charges

4 Charges for Docket: [REDACTED]

No.	Charge Description:	Indictment:	Status:
1	COCAINE, TRAFFICKING IN c94C s32E(b)		Plea of not guilty
2	DRUG VIOLATION NEAR SCHOOL/PARK c94C s32J		Plea of not guilty
3	COCAINE, POSSESS TO DISTRIBUTE c94C s32A(c)		Plea of not guilty
4	CONSPIRACY TO VIOLATE DRUG LAW c94C s40		Plea of not guilty

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